

U N I V E R S I T Y of
H O U S T O N
S Y S T E M

Senate Bill 18 Legislative Report

Protected Expression on Campus

University of Houston (UH)
University of Houston – Clear Lake (UHCL)
University of Houston – Downtown (UHD)
University of Houston – Victoria (UHV)

On behalf of the University of Houston System, this Legislative Report is filed on behalf of each university within the UH System in compliance with the requirements of Senate Bill 18 and Texas Education Code § 51.9315 – *Protected Expression on Campus*, which states:

- (k) Not later than December 1, 2020, each institution of higher education shall prepare, post on the institution's Internet website, and submit to the governor and the members of the legislature a report regarding the institution's implementation of the requirements under this section. This subsection expires September 1, 2021.

University of Houston System-wide Implementation of Texas Education Code § 51.9315 – *Protected Expression on Campus*

The University of Houston System has implemented a Freedom of Expression policy which encompasses all aspects of Texas Education Code § 51.9315 – *Protected Expression on Campus*. The UH System policy can be found as [UH System Administrative Memorandum \(SAM\) 01.D.15 – *Freedom of Expression*](#), which was adopted through the UH System shared governance process, and was approved by the UH System Board of Regents at a meeting on May 21, 2020. [SAM 01.D.15 – *Freedom of Expression*](#) took effect on June 10, 2020 and is posted on the UH System’s website at: <https://uhsystem.edu/compliance-ethics/docs/01d15.pdf>.

As a UH System policy, [SAM 01.D.15 – *Freedom of Expression*](#) applies to each of the component campuses of the University of Houston System:

- University of Houston (UH)
- University of Houston – Clear Lake (UHCL)
- University of Houston – Downtown (UHD)
- University of Houston – Victoria (UHV)

Review of compliance with specific provisions of Senate Bill 18 and Texas Education Code § 51.9315 – *Protected Expression on Campus*

The University of Houston System demonstrates its compliance with the requirements of Texas Education Code § 51.9315 and SB 18 below. Texas Education Code § 51.9315 requirements are listed in **bold font**. UH System compliance is shown in [blue font](#).

Requirements:

- 1. Ensure that the common outdoor areas of the institution’s campus are deemed traditional public forums.**

See [SAM 01.D.15, Section 3.3](#): “Common outdoor areas of the System are deemed traditional public forums. Therefore, those who wish to engage in an Expressive Activity (including literature distribution) may engage in such expressive activity in the university’s common areas (e.g., university parks, grassy areas, and sidewalks) without prior registration or approval.”

- 2. Permit any person to engage in expressive activities in those areas of the institution’s campus freely, as long as the person’s conduct is not unlawful; and does not materially and substantially disrupt the functioning of the institution.**

See [SAM 01.D.15, Section 3.3](#): “Common outdoor areas of the System are deemed traditional public forums. Therefore, those who wish to engage in an Expressive Activity (including literature distribution) may engage in such expressive activity in the university’s

common areas (e.g., university parks, grassy areas, and sidewalks) without prior registration or approval.”

See [SAM 01.D.15, Section 4.1.1](#): “Prohibited activities include . . . activities that are unlawful or that materially and substantially disrupt the normal operations of the university’s campus are prohibited.”

3. Allow:

(A) any person to, subject to reasonable restrictions adopted under Subsection (d), engage in expressive activities on campus, including by responding to the expressive activities of others; and

(B) student organizations and faculty to, subject to Subsection (h), invite speakers to speak on campus.

See [SAM 01.D.15, Section 3.1](#): “As a part of the System’s commitment to fostering a learning environment, student organizations and faculty may invite speakers to speak on campus in accord with System and university policies.”

See [SAM 01.D.15, Section 3.3](#): “Common outdoor areas of the System are deemed traditional public forums. Therefore, those who wish to engage in an Expressive Activity (including literature distribution) may engage in such expressive activity in the university’s common areas (e.g., university parks, grassy areas, and sidewalks) without prior registration or approval.”

4. Establish disciplinary sanctions for students, student organizations, or faculty who unduly interfere with the expressive activities of others on campus.

See [SAM 01.D.15, Section 3.8](#): “Disciplinary Actions – Any person that participates in unlawful expressive activity, or that unduly interferes with the Expressive Activities of others on campus, including at an Official University Events or Activity, may be subject to disciplinary action, as outlined in the student codes of conduct, in policies relating to faculty or staff discipline, or in policies or laws relating to visitors on campus.”

5. Include a grievance procedure for addressing complaints of a violation of the policy.

See [SAM 01.D.15, Section 3.7](#): “Grievances – Complaints of a violation under this policy may be made as follows:

- Members of the university community may file a grievance regarding an alleged violation of this policy in the manner provided in the applicable University Student Code of Conduct, Student Handbook, University Catalog, Faculty Handbook, or employee/personnel manual.

Alternatively, any complaints of a violation under this policy may be made through the [University of Houston System Fraud & Non-compliance Hotline](#).”

- 6. Policy must be approved by a majority vote of the institution's governing board before final adoption.**

[SAM 01.D.15 – Freedom of Expression](#) was approved by the University of Houston System Board of Regents at its meeting on May 21, 2020

- 7. Post policy on the institution's Internet website.**

[SAM 01.D.15 – Freedom of Expression](#) is posted on the UH System's website at: https://uhsystem.edu/compliance-ethics/_docs/01d15.pdf.

- 8. Each institution of higher education shall develop materials, programs, and procedures to ensure that the institution's employees responsible for educating or disciplining students understand the requirements of this section and all policies adopted by the institution in accordance with this section.**

In addition to posting the policy on the institution's website, UH System has developed materials including Frequently Asked Questions (FAQs) which are posted on a website dedicated to [Expressive Activity Resources](#). These materials, along with the policies, are shared and reviewed with key university employees responsible for educating or disciplining students.